

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

CITY OF DETROIT, MICHIGAN

Chapter 9
Case No. 13-53846-swr
Hon. Steven W. Rhodes

**RETIRED DETROIT POLICE MEMBERS ASSOCIATION RESPONSE TO
DEBTOR'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS**

NOW COME, the Retired Detroit Police Members Association ("RDPMA") and for its

Answers to Debtor's First Request for Production of Documents state as follows:

I. General Objections

1. The RDPMA objects to the Debtor's First Requests for Production of Documents to the extent they:
 - A. They seek the discovery of mental impressions, trial strategy or other information obtained by attorneys, professionals, agents or investigators which are otherwise protected from disclosure by virtue of the attorney-client privilege, accountant-client privilege, or other similar statutory or common law privileges and the attorney work product doctrine;
 - B. They seek the discovery of information beyond the scope of FRCP 33;
 - C. They seek information which is irrelevant and not otherwise reasonably calculated to lead to the discovery of admissible evidence in this case;
 - D. They are overly broad, vague and unduly burdensome; which documents and information can otherwise be more easily obtained through other less costly and invasive discovery means including depositions;
 - E. They impose burdens upon the RDPMA not otherwise required or permitted; and

F. They seek documents and information which are otherwise in the possession of the Debtor, City of Detroit.

2. Subject to these General Objections, the RDPMA, through its counsel, will produce responsive documents, writings and tangible things which it believes to be responsive to the applicable discovery requests. The RDPMA's investigation and discovery in this matter are ongoing and the RDPMA reserves the right to provide further objections or will further produce responsive documents as they become available.

3. By responding, the RDPMA is not waiving any objections to the following discovery requests and is reserving all rights to amend and supplement its Responses.

II. Document Requests

1. All documents relating to the authority of the RDPMA to act as the legal representative of retired, former employees of the City of Detroit.

RESPONSE:

The RDPMA restates its general objections and without waiving any objections to Request No. 1, the RDPMA has produced documents RDPMA 0004 and RDPMA 0009 through RDPMA 00014.

2. All documents that support the statement on p.2 of RDPMA's Objections that it is "recently formed" and that it operates "pursuant to bylaws and appropriate governing documents."

RESPONSE:

The RDPMA restates its general objections and without waiving any objections to Request No. 2, the RDPMA has produced documents RDPMA 0001 through RDPMA 0003 and RDPMA 0005 through RDPMA 0008.

3. All documents relating to any agreement entered into by RDPMA and the City of Detroit in which RDPMA agreed to reduce, limit, or abridge the health benefits provided by the City of Detroit to existing RDPMA retirees.

RESPONSE:

The RDPMA restates its general objections and without waiving any objections to Request No. 3, the RDPMA responds that it is not aware of and does not have any documents that are responsive to Request No. 3.

4. All documents relating to any attempt prior to July 19, 2013, by RDPMA to obtain any form of legal authority from its members to appoint RDPMA as their representative in connection with negotiations to reduce, limit, or abridge health benefits provided by the City of Detroit to RDPMA retirees.

RESPONSE:

The RDPMA restates its general objections and without waiving any objections to Request No. 4, the RDPMA responds that it is not aware of and does not have any documents that are responsive to Request No. 4.

5. All documents relating to any attempt prior to July 19, 2013, by RDPMA to obtain any form of legal authority from its members to appoint RDPMA as their representative in connection with negotiations to reduce, limit, or abridge pension rights or benefits - on a prospective basis only - provided by the Police and Fire Retirement System of the City of Detroit ("PFRS").

RESPONSE:

The RDPMA restates its general objections and without waiving any objections to Request No. 5, the RDPMA responds that it is not aware of and does not have any documents that are responsive to Request No. 5.

6. All documents relating to any feedback, criticism, reactions, proposals, or counterproposals made by RDPMA to the City of Detroit, between March 14, 2013, and July 19,

2013, in connection with a restructuring, reduction, modification, or elimination of any benefits, rights and features of the PFRS, including but not limited to feedback, criticism, reactions, or counterproposals in response to the proposals the City of Detroit made respecting the PFRS at each of the following meetings:

- a. The June 14, 2013, City of Detroit Proposal for Creditors;
- b. The June 20, 2013, presentation by the City of Detroit's professional advisors to the Retirement Systems, unions, and retiree associations; and
- c. The July 11, 2013, presentation by the City of Detroit's professional advisors to the Retirement Systems, unions, and retiree associations.¹

RESPONSE:

The RDPMA restates its general objections and without waiving any objections to Request No. 6, the RDPMA responds that it does not have at this time in its possession, custody or control any documents that are responsive to Request No. 6. The RDPMA further asserts that any responsive documents are in the possession of the Debtor, City of Detroit, or are more readily obtainable from other parties.

7. All documents relating to any feedback, criticism, reactions, proposals, or counterproposals made by RDPMA to the City of Detroit, between March 14, 2013, and July 19, 2013, in connection with a restructuring, reduction, modification, or elimination of any health benefits provided to existing retiree members of RDPMA, including but not limited to feedback, criticism, reactions, or counterproposals in response to the proposals the City of Detroit made respecting retiree health benefits at each of the following meetings:

- a. The June 14, 2013, City of Detroit Proposal for Creditors;
- b. The June 20, 2013, presentation by the City of Detroit's professional advisors to the Retirement Systems, unions, and retiree associations; and
- c. The July 11, 2013, presentation by the City of Detroit's professional advisors to the Retirement Systems, unions, and retiree associations.

¹ The July 11, 2013, meeting was conducted pursuant to an agreement regarding Michigan Rule of Evidence and Federal Rule of Evidence 408. Accordingly, these document requests should not be read to include a requirement to disclose documents, to the extent any exist, produced or discussed at such meeting.

RESPONSE:

The RDPMA restates its general objections and without waiving any objections to Request No. 7, the RDPMA responds that it does not have in its possession, custody or control any documents that are responsive to Request No. 7. The RDPMA further asserts that any responsive documents are in the possession of the Debtor, City of Detroit, or are more readily obtainable from other parties.

8. All documents relating to any research, studies, or analysis conducted by, requested, reviewed, or received by RDPMA regarding the City of Detroit's financial health, including but not limited to, the City's cash flow, budgets, projected budgets, ability/inability to pay its debts when they become due, or ability/inability to provide civic services.

RESPONSE:

The RDPMA restates its general objections and without waiving any objections to Request No. 8, the RDPMA responds that it does not have in its possession, custody or control any documents that are responsive to Request No. 8 that are not in the possession of the Debtor, City of Detroit, or are more readily obtainable from other parties.

Respectfully Submitted,
STROBL & SHARP, P.C.

Dated: September 13, 2013

By: /s/ Lynn M. Brimer
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